

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SARA RODRIGUEZ,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:20-cv-00549-EPG

ORDER FOR PLAINTIFF TO SHOW
CAUSE WHY THIS ACTION SHOULD
NOT BE DISMISSED WITHOUT
PREJUDICE PURSUANT TO FEDERAL
RULE OF CIVIL PROCEDURE 41(b) FOR
FAILURE TO PROSECUTE AND
COMPLY WITH COURT ORDERS

(ECF Nos. 9, 17).

Plaintiff Sarah Rodriguez proceeds through counsel with a complaint for judicial review of an unfavorable decision by the Commissioner of the Social Security Administration. (ECF No. 1). For the reasons given below, the Court orders Plaintiff to show cause why this action should not be dismissed without prejudice for failure to prosecute and comply with Court orders pursuant to Federal Rule of Civil Procedure 41(b).

The administrative record was filed on June 22, 2021. (ECF No. 16). On June 23, 2021, the Court ordered this case to proceed pursuant to the scheduling order, with Plaintiff's letter brief to be served within thirty days of the date the administrative record was served. (ECF No. 17). Thereafter, the scheduling order directs respondent to serve a response to the letter brief within thirty-five days, and, if no stipulation to remand is agreed to, for an opening brief to be filed by Plaintiff within thirty days. (ECF No. 9). Under this schedule, Plaintiff's opening brief was due around September 27, 2021. However, to date, Plaintiff has not filed an opening brief nor a

1 request for extension of time to do so.

2 Accordingly, Plaintiff is ORDERED to show cause why this action should not be
3 dismissed without prejudice for failure to prosecute and comply with court orders pursuant to
4 Federal Rule of Civil Procedure 41(b).

5 Plaintiff shall file, no later than March 2, 2022, an opening brief, or, alternatively, a
6 response to this order to show cause demonstrating that Plaintiff has good cause for failing to file
7 an opening brief.

8
9 IT IS SO ORDERED.

10 Dated: February 2, 2022

/s/ Eric P. Gray
11 UNITED STATES MAGISTRATE JUDGE
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28